

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2573.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Kellogg Manufacturing Co. Plea of guilty. Fine, \$15 and costs.

ADULTERATION AND MISBRANDING OF SUGAR BUTTER.

On October 15, 1912, the United States Attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kellogg Manufacturing Co., a corporation, Keokuk, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 13, 1911, from the State of Iowa into the State of Illinois of a quantity of sugar butter which was adulterated and misbranded. The product was labeled: "Red Crown Brand Sugar Butter Imitation Maple Flavor Manufactured by Kellogg Mfg. Co., Keokuk, Iowa. A Compound of sugars with an imitation maple flavor, one-tenth of one per cent benzoate of soda, free from injurious substances, etc."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids, 89.53 per cent; sucrose, 40.00 per cent; glucose, 36.81 per cent; polarization direct at 27° C., 105.6° V.; polarization invert at 27° C., 54.0° V.; polarization invert at 87° C., 60.0° V.; ash, 1.28 per cent; sodium benzoate, 0.17 per cent. Adulteration of the product was alleged in the information for the reason that a substance, to wit, glucose, had been mixed and packed with it in such a manner as to reduce, lower, or injuriously affect its quality and strength, and further, in that a substance, to wit, glucose, had been substituted in part for the genuine article, sugar butter.

Misbranding was alleged for the reason that the product was labeled conspicuously "Sugar butter," which statement was misleading, as the product contained glucose, which is not a normal constituent of sugar butter; and further for the reason that the statement "Sugar butter" placed in a conspicuous manner upon the label and the statement "A compound of sugars with an imitation maple

flavor" placed thereon in a very inconspicuous manner, misled or deceived the purchaser into the belief that the product consisted of pure sugar butter, whereas, in truth and in fact, it was not sugar butter but contained glucose, which is not a normal constituent of sugar butter, and the ingredients composing the compound and imitation maple flavor were not plainly stated on the label. Misbranding was alleged for the further reason that the statement "One-tenth of one per cent benzoate of soda" borne on the label thereof was misleading and deceptive, analysis showing that the product contained more than that amount of benzoate of soda, to wit, 0.17 per cent.

On April 14, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$15 and costs.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C. *September 11, 1913.*

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